

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

---

MARCUS LEVY,	)	
	)	
Petitioner,	)	
	)	
	)	No. 2:23-cv-02395-JTF-atc
v.	)	
	)	
ACTING WARDEN VINCENT	)	
VANTELL,	)	
	)	
Respondent.	)	

---

**ORDER DIRECTING RESPONDENT TO FILE STATE COURT RECORD AND  
RESPOND TO THE PETITION;  
AND DIRECTING CLERK TO MAIL FORM**

---

On June 20, 2023, Petitioner Marcus Levy, an inmate incarcerated at the Trousdale Turner Correctional Center (“TTCC”) in Hartsville, Tennessee under Tennessee Department of Correction (“TDOC”) prisoner number 464268, filed a *pro se* Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody. (ECF No. 1.) On July 25, 2023, Petitioner paid the \$5.00 habeas filing fee. (ECF No. 5.) On August 4, 2023, the Court directed Petitioner to file an amended petition on the official § 2254 form. (ECF No. 6 at PageID 49-50.) The Court explained: “Levy has not filed his § 2254 petition on the official form and his filing does not contain all the information required on that form, including the efforts taken to exhaust each issue in state court. Proper use of the official form is necessary to facilitate the review of Levy’s claims.” (*Id.* at PageID 49.) On August 29, 2023, Robert L. Sirianni, Jr., Esquire entered an appearance as counsel for Petitioner. (ECF No. 7.) On August 31, 2023, the Court granted Petitioner’s motion for an extension of time to amend (ECF No. 8). (ECF No. 9.) On October 2, 2023, Petitioner’s

counsel filed an amended Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody. (ECF No. 10.) The § 2254 petition, as amended (ECF Nos. 1 & 10), is before the Court on preliminary review.

It is **ORDERED**, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts (“Habeas Rules”), that Respondent file a response/answer to the § 2254 Petition as amended (ECF Nos. 1 & 10) within twenty-eight (28) days. The answer shall include the complete state-court record, organized and appropriately indexed, as required by Administrative Order 16-31. *See* 28 U.S.C. § 2254(b)(1).<sup>1</sup> The answer shall, at a minimum: address the timeliness of the § 2254 petition as amended (ECF Nos. 1 & 10); state whether each claim in the petition as amended (ECF Nos. 1 & 10) was exhausted, in whole or in part, in state court; and shall assert appropriate procedural defenses. Where only a portion of a claim has been exhausted in state court, the answer shall specify the aspects of the claim that were exhausted and the aspects of the claim that are subject to procedural defenses. Where a merits analysis is appropriate, the answer shall: (1) cite the state court ruling for an exhausted claim; (2) identify the clearly established Supreme Court precedent governing the claim; and (3) respond to the petitioner’s argument that he is entitled to habeas relief on the claim with appropriately reasoned legal and factual argument.

Pursuant to Rule 5(e), Petitioner may, if he chooses, submit a reply to Respondent’s answer or response within twenty-eight (28) days of service. Petitioner may request an extension of time

---

<sup>1</sup> The party filing a document has the burden of ensuring the proper protection of sensitive information and taking measures to seal such information where appropriate. *See* Electronic Case Filing Attorney User Manual for the United States District Court, Western District of Tennessee, Section I.A.13; *see also* Electronic Case Filing Policies and Procedures Manual for the United States District Court Western District of Tennessee, Section 8 Sealed Documents, <https://www.tnwd.uscourts.gov/sites/tnwd/files/LocalRules.pdf> (last accessed May 29, 2025).

to reply if his motion is filed on or before the due date of his reply. The Court will address the merits of the § 2254 Petition as amended (ECF Nos. 1 & 10), or of any motion filed by Respondent, after the expiration of Petitioner's time to reply, as extended.

It is **ORDERED** that the Clerk shall send a copy of the § 2254 petition as amended (ECF Nos. 1 & 10) and this Order to the Respondent and the Tennessee Attorney General and Reporter by certified mail. *See* Habeas Rule 4.

It is **ORDERED** that the Clerk mail to counsel for Petitioner and to Respondent the form for Notice, Consent, and Reference of A Civil Action to A Magistrate Judge (AO 85).

**IT IS SO ORDERED**, this 30<sup>th</sup> day of May, 2025.

*/s/ John T. Fowlkes, Jr.*

---

JOHN T. FOWLKES, JR.  
UNITED STATES DISTRICT JUDGE